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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/760,270

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Kia Silverbrook

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SILVERBROOK RESEARCH PTY LTD  
393 DARLING STREET  
BALMAIN, 2041  
AUSTRALIA

EXAMINER

UHLLENHAKE, JASON S

ART UNIT

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2853

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/760,270	<b>Applicant(s)</b> SILVERBROOK, KIA	
	<b>Examiner</b> JASON S. UHLENHAK	<b>Art Unit</b> 2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Double Patenting*

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1 and 6 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/760267. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would be obvious to include terminals in the body of the printer for the cartridge to contact in order to communicate information and data to the controller..

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cook (U.S. Pat. 6,158,850) in view of Bolash et al (U.S. Pat. 6,183,063)

***Cook discloses:***

- ***regarding claim 1***, a cartridge authentication device storing printing performance information of the print head and authentication information; a cradle authentication device storing printing performance information of the cradle and authentication information (Column 5, lines 44-46, Column 6, Lines 25-38, Column 6, Line 66 – Column 7, Line 13)
- a verification circuit connected to the cradle (10) authentication device and having terminals (electrical interface) positioned upon the body to contact corresponding terminals (electrical interface) located upon the cartridge (12) authentication device upon insertion of the cartridge into the recess thereby facilitating electrical communication between the cradle and the print head of the cartridge for causing ink ejection from the print head and between the verification circuit and the cradle and cartridge authentication devices (Figure 1; Abstract; Column 2, Lines 58-67; Column 3, Lines 1-11; Column 6, Lines 25-38)

- the cradle authentication device being configured to authenticate the cartridge from the stored printing performance and authentication information of the cartridge authentication device and the verification circuit being part of a processor of the cradle which is configured to authenticate authentication performed by the cradle authentication device, such that upon insertion of the cartridge into the recess the cradle and cartridge together form an inkjet printer capable of printing at the authenticated printing performance (Figure 1; Abstract; Column 2, Lines 34-36; 58-67; Column 3, Lines 1-11; Column 6, Lines 25-38)

***Cook does not disclose expressly the following:***

- ***regarding claim 1***, a body defining a recess (20, 22) dimensioned to locate a removable inkjet cartridge, the inkjet cartridge having a page width print head

***Bolash discloses:***

- ***regarding claim 1***, a body defining a recess (20, 22) dimensioned to locate a removable inkjet cartridge (Figure 1; Column 3, Lines 24-35; Lines 65-67), the inkjet cartridge having a page width print head (Figure 1; Column 3, Lines 45-46) and an ink supply, such that the cradle and cartridge together form an inkjet printer (Column 3, Lines 24-26)

At the time the invention was made it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Bolash into the device of Cook, for the purpose of increasing printing speeds and improving print quality

Claims 2, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook (U.S. Pat. 6,158,850) as modified by Bolash et al (U.S. Pat. 6,183,063) as applied to claim 1 above, and further in view of Silverbrook et al (U.S. Pat. 6,588,952).

***Cook as modified by Bolash discloses all the claimed limitations except for the following:***

- ***regarding claim 2***, wherein the terminals are located upon one or more walls of the recess
- ***regarding claim 5***, wherein the terminals comprise data and power terminals

***Silverbrook ('952) discloses:***

- ***regarding claim 2***, wherein the terminals are located upon one or more walls of the recess (Column 4, Lines 54 – 59), for the purpose of communicating print data to the printhead.
- ***regarding claim 5***, wherein the terminals comprise data and power terminals (Column 4, Lines 46 – 59), for the purpose of communicating print data to the printhead.

At the time the invention was made it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Silverbrook ('952) into the device of Cook as modified by Bolash, for the purpose of communicating the print data to the printhead.

Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook (U.S. Pat. 6,158,850) as modified by Bolash et al (U.S. Pat. 6,183,063) and Silverbrook et al (U.S. Pat. 6,588,952) as applied to claim 1 above, and further in view of Silverbrook et al (U. S. Pat. 6,755,513).

***Cook as modified by Bolash and Silverbrook ('952) discloses:***

- ***regarding claim 3 and 4***, wherein the recess (20, 22) is elongate (Figure 1; Column 3, Lines 65-67)

***Bolash as modified by Cook and Silverbrook ('952) does not disclose expressly:***

- ***regarding claim 3***, wherein the terminals are located on at least one end wall of the recess
- ***regarding claim 4***, wherein the terminals are located on opposing end wall of the recess

***Silverbrook et al ('513) discloses:***

- ***regarding claim 3***, wherein the terminals are located on at least one end wall of the recess. (Column 9, Lines 20 – 34; Claims 3 – 5; Figure 2), for the purpose of establishing communication with the removable inkjet cartridge.
- ***regarding claim 4***, wherein the terminals are located on opposing end wall of the recess (Column 9, Lines 20 – 34; Claims 3 – 5; Figure 2), for the purpose of establishing communication with the removable inkjet cartridge.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Silverbrook et al ('513) into the

device of Cook as modified by Bolash and Silverbrook ('952), for the purpose of communicating print data to the printhead and establishing communication with the removable inkjet cartridge.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cook (U.S. Pat. 6,158,850) in view of Bolash et al (U.S. Pat. 6,183,063), Silverbrook et al (U.S. Pat. 6,588,952) and Silverbrook et al (U. S. Pat. 6,755,513).

***Cook discloses:***

- ***regarding claim 6***, a cradle (10) authentication device contacting corresponding terminals located upon the removable inkjet cartridge (12) upon insertion of the cartridge into the recess thereby facilitating electrical communication between the cradle and the print head of the cartridge for causing ink ejection from the print head and between the verification circuit and the cradle and cartridge authentication devices, the cradle authentication device being configured to authenticate the cartridge and the verification circuit being configured to authenticate the authentication performed by the cradle authentication device, such that upon insertion of the cartridge into the recess the cradle and cartridge together form and ink jet printer (Figure 1; Abstract; Column 2, Lines 34-36; 58-67; Column 3, Lines 1-11; Column 6, Lines 25-38)

***Cook does not disclose expressly the following:***

- ***regarding claim 6***, a body defining an elongate recess dimensioned to locate a removable inkjet cartridge, the inkjet cartridge having a page width print head;



- power and data terminals; terminals positioned upon opposing end walls of the recess

***Bolash discloses:***

- ***regarding claim 6***, a body defining an elongate recess (Figure 1, 20, 22) dimensioned to locate a removable inkjet cartridge (Figure 1; Column 3, Lines 24-35; Lines 65-67), the inkjet cartridge having a page width print head (Figure 1; Column 3, Lines 45-46), for the purpose of increasing printing speeds and improving print quality

***Silverbrook ('952) discloses:***

- ***regarding claim 6***, power and data terminals (Column 4, Lines 46 – 59), for the purpose of establishing communication with the removable inkjet cartridge.

***Silverbrook et al ('513) discloses:***

- ***regarding claim 6***, terminals positioned upon opposing end walls of the recess (Column 9, Lines 20 – 34; Claims 3 – 5; Figure 2), for the purpose of establishing communication with the removable inkjet cartridge.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Bolash, Silverbrook ('952) and Silverbrook et al ('513) into the device of Cook, for the purpose of establishing communication with the removable inkjet cartridge and increasing printing speeds and improving print quality.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection. Please see the above rejection regarding Cook (U.S. Pat. 6,158,850) in view of Bolash et al (U.S. Pat. 6,183,063)

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON S. UHLENHAKE whose telephone number is (571)272-5916. The examiner can normally be reached on Monday-Friday 8:00-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JASON S UHLENHAKE/  
Examiner, Art Unit 2853  
July 25, 2008

/Julian D. Huffman/  
Primary Examiner, Art Unit 2853